

April 13, 2006

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 13th day of April 2006, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 WILLIAM MARYNIEWSKI, MEMBER

 JAMES PERRY, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: ROBERT THILL, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JEFFREY SIMME, BUILDING INSPECTOR

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF JAMES A. WEIR:

THE 1st CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of James A. Weir, 72 Southpoint Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an attached garage to a dwelling on premises owned by the petitioner at 72 Southpoint Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Southpoint Drive with an exterior side yard [considered a front yard equivalent] fronting on Enchanted Forest South. The petitioner's plans are to convert the existing attached garage to living space and adding an attached garage to the existing dwelling. The proposed garage addition would result in an exterior side yard set back on Enchanted Forest South of nineteen [19] feet.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot exterior side yard set back on Enchanted Forest South. The petitioner, therefore, requests a sixteen [16] foot exterior side yard variance on Enchanted Forest South.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

THE PETITION WAS WITHDRAWN BY THE APPLICANT.

April 13, 2006

PETITION OF RONALD S. RICKETTSON:

THE 2nd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Ronald S. Rickettson, 614 Hall Road, Lancaster, New York (Post Office Elma 14059) for one [1] variance for the purpose of constructing a detached garage on premises owned by the petitioner at 614 Hall Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,120 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 370 square foot accessory structure area variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

Copy of a letter notifying Town of Elma of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Ronald Rickettson, petitioner
614 Hall Road
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF RONALD RICKETTSON

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ronald Rickettson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of April 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by some other method such as a smaller structure, however the proposed structure is in character with the existing house.

That the requested area variance relief is substantial but it should not preclude the granting of the variance.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	WAS ABSENT
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

April 13, 2006

PETITION OF ULRICH SIGN COMPANY:

THE 3rd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Ulrich Sign Company, Inc., 250 State Road, Lockport, New York 14094 as agent for Ray Laks Motorsports, 4304 Walden Avenue, Lancaster, New York for one [1] variance for the purpose of erecting a pole sign on premises owned by Ray Laks Motorsports at 4304 Walden Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster. The petitioner's plans call for the pole sign to be constructed with a zero [0] ground clearance.

Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster requires a minimum ground clearance of eight [8] feet. The petitioner, therefore, requests an eight [8] foot ground clearance variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

Copy of a letter notifying the New York State Department of Transportation and the Erie County Highway Department of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Mike Ulrich, agent for the petitioner
250 State Road
Lockport, New York 14094

Proponent

IN THE MATTER OF THE PETITION OF ULRICH SIGN COMPANY

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ulrich Sign Company and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of April 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner and specifically view how the proposed sign will be situated on the property with regard to lines of sight.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

NOW, THEREFORE, BE IT

RESOLVED that this hearing be adjourned to allow for further testimony and evidence to be presented.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	WAS ABSENT
MR. LEHRBACH	VOTED YES

April 13, 2006

PETITION OF RICHARD PIASECKI:

THE 4th CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Richard F. Piasecki, 12132 Walden Avenue, Alden, New York 14004 for two [2] variances for the purpose of constructing a two thousand [2,000] square foot storage building on premises owned by the petitioner at 807 Ransom Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is two thousand [2,000] square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a one thousand two hundred fifty [1,250] square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed storage building is seventeen [17] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a one [1] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Richard F. Piasecki, petitioner
12132 Walden Avenue
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF RICHARD F. PIASECKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWAN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard F. Piasecki and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of April 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That the addition of this structure will serve to enhance the property.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can be achieved by some other method, however this should not preclude the granting of the variance.

That the requested area variance relief is substantial but should not preclude the granting of the relief sought.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	WAS ABSENT
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

April 13, 2006

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:56 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: April 13, 2006